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PLAINTIFFS

VERNARD W. HULSEY

DEFENDANTS

ATCHISON, TOPEKA and SANTA FE RAILWAY COMPANY, a Kansas Corporation; ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, a Missouri Corporation and COLORADO FUEL AND IRON, a wholly owned subsidiary of CRANE COMPANY, an Illinois corporation

Elgin, Joliet & Eastern Railway Company and Inland Steel Company

CAUSE

Industrial Accident Board
Personal Injury Damages Resulting from negligence of defts. in failing to inspect, maintain or repair a defect in a freight car in which the pltf. was working

ATTORNEYS

Jon B. Wallis
Oliver, Evans & Wallis
1410 Fourth Natl. Bank Bldg.
Tulsa, Okla. 74119
585-8181

Ben Franklin (SL-SF RW) 235-0478
1717 Fidelity Natl. Bldg.
Okla. City, Okla. 73102
H. D. Binns, Jr.,
Rainey, Wallace, Ross & Cooper (AT&SF)
735 First Natl. Center West
Ok. City, Ok. 73102

Dan A. Rogers (Colorado Fuel & Iron)
117 East Fifth Street
Tulsa, OK 74103
(583-5111)

John F. McCormick, Jr.
Joseph M. Best (Inland Steel)
200 Franklin Bldg.
Tulsa, Oklahoma 74103 582-8877

Terence E. Flynn, George W. Gessler
Rooks, Pitts, Fullagar & Poust
208 So. LaSalle St. (Elgin, etc.)
Chicago, Illinois 60604

Franklin, Harmon & Satterfield, Inc.
1717 Park/Harvey Center (Elgin)
Ok. City, Ok. 73102

DATE	FILE NO.	AMOUNT PAID	DATE PAID
1-17-75	92829	\$15.00 33	\$15.00
			2-1-75
			2-1-77

IN THE DISTRICT COURT OF OKLAHOMA

DATE	NR.	PROCEEDINGS
1-17-75	1.	Complaint, filed. Summons issued. hm
2-4-75		Summons, ret. & filed: served St. Louis-San Francisco Ry. Co., 1-21-75; served Colorado Fuel & Iron, Denver, Colo., 1-21-75; served Atchison, Topeka & Santa Fe Ry., Topeka, Ks., 1-31-75. (USM \$12.24)g AT&SF <u>not</u> served at Wichita, Ks. 1-24-75. (USM \$1.48)g
2-7-75	2.	Motion to quash of St. Louis-San Fran. RW Co., with brief in support, filed. hm
2-10-75	MO:	Ordered that pltf. to file responsive brief to mo/quash within 10 days. (HDC-J)hm
2-20-75	3	Answer of AT&SF Ry. Co., with demand for <u>jury trial</u> , filed. g
2-20-75	4.	Appl. of Deft. Colorado Fuel & Iron, for ext. of time to ans., filed. v
2-20-75	5.	Order, filed, granting Colo. Fuel & Iron until 3-2-75 to ans. compl. (JCS-CC)v
2-21-75	6.	Reply brief of pltf. to def., <u>SL-SF</u> Railway, mo/quash, filed. rm
2-27-75	7.	Separate answer of Colorado Fuel and Iron, filed. hm
3-4-75	8.	Order, filed, overruling motion to quash of St. Louis-San Francisco Railway Company. (HDC-J)hm (copies mailed)
3-6-75	9.	Appl. of Deft. St. Louis-San Francisco Railway Co. for ext. of time to ans., filed. v
3-12-75	10.	Order extending time to answer, filed, ext. time to 4-15-75 for deft. SL-SF RW Co. to ans. (HDC-J)hm (copies mailed)
4-10-75	11.	ANSWER of deft. StSL-SF Ry Co., filed. lm
5-5-75		DEP. of VERNARD W. HULSEY taken on behalf of defts. on 4-8-75 before Evelyn E. Rutherford, LSR. (\$72.00)lm
5-27-75		DEPS. of A. E. Armstrong, Larry Maxwell, John David Houghton, and Calvin Groves, taken before Claire A. Boltz, 540 Thatcher Bldg., Pueblo, Colo. 81003. lm
6-10-75	MO:	Case set for pre-trial 7-7-75 at 10:30 a.m. (HDC-J)hm
7-7-75	MO:	Case called for pre-trial hearing. Pltf. asks and granted leave to file amended complaint, & to do so by 8-1-75. Pltf. moves to dismiss against deft. Colo. Fuel & Iron & leave granted. Pltf. to prepare order. PT hearing passed. (HDC-J)hm
7-25-75	12	Appl. of Pltf. for dismissal as to Colorado Fuel & Iron, filed. g
7-29-75	13	Order, filed & entered, dismissing action as to Colorado Fuel and Iron a wholly owned subsidiary of Crane Co., with prejudice. (HDC-J)g (cpies mailed)
7-30-75	14.	Plaintiffs' Application for Extension of Time, filed. mm
7-31-75	15.	Order, filed, granting pltf. until 8-29-75 to file amended petition and mot. to make additional parties defendant. (HDC-J)g
8-28-75	16.	Application for Extension of Time of the Plaintiff, filed. mm (O to J)
9-2-75	17.	Order, filed, granting pltf. until 10-10-75 to file amended petition and motion to make additional parties defendant. (HDC-J)g cpies mld.
10-9-75	18.	Appl. for extension of time of the pltf. of 2 weeks to file an amended petition & motion to make additional parties defendant, filed.mm (Oto J)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
VERNARD W. HULSEY		ATCHISON, TOPEKA & SANTA FE RY CO. , et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
10-10-75	19	Order, filed, granting pltf. until 10-24-75 to file amended petition and motion to make additional parties defendant - final extension. (HDC-J)g cpies mld.	
10-24	20.	Application for ext. of time to file amended pet. & mo/make addit. parties deft., filed. hm	
10-28	21	Order, filed, granting pltf. until 11-3-75 to file amended pet., and mot. to make addl. parties deft. (HDC-J)g cpies mld	
11-11	22	Application for ext of time to file Amended Petition and motion to make additional parties defendant. -o- tc-filed.	
11-14	23.	Order of extension of time, filed, granting pltf. until 11-21-75 to file amended petition & mo/make addit. parties deft; LAST EXTENSION TO BE GRANTED. (HDC-J)hm (copies mailed)	
11-21	24.	Amended complaint, filed, adding defts. Elgin, Joliet & Eastern Railway Company and Inland Steel Company as parties deft. hm	
11-25		Summons issued as to defts. Elgin, Joliet & Eastern Railway Co. and Inland Steel Co.k	
12-2	25.	Applic. of deft. SLSF RW Co. for ext. of time to ans. amended comp., filed. hm	
12-4	26.	Order, filed, granting deft. SLSF RW Co. until 1-15-76 to ans. amended comp. (HDC-J)hm (copies mailed)	
12-8	27.	Appl. of deft. AT&SF Ry. for ext. of time to answer amended complaint, filed. g	
12-11	28.	Deft. Atchison, Topeka & Santa Fe Railway Co. is granted until January 15, 1976 to ans. Pltf's. complaint, filed. (HDC-J)tc cps.mld.	
12-24	29.	ANSWER of Inland Steel Co., filed.jj	
<u>1976</u>			
1-13-	30.	ANSWER of Deft. St.Louis San Francisco Railway Co. to Pltf's Amended Complaint, filed.jj	
1-15	31.	ANSWER of deft ATSF Ry. Co. to pltf's amended complaint, filed. g	
1-15		Summons on Amended Compl. ret. & filed: served Inland Steel Co. by serving C. T. Corp. System, Chicago, Ill. 12-10-75. (USM 4.24); <u>unserved</u> as to Elgin, Jolien & Eastern Ry. Co. (USM \$1.24)g	
2-18		Return on U.S. Marshals Service, Alias Summons, filed. Served Elgin, Joliet, etc., by serving Richard B. Dunsworth, in Joliet, Ill., on 2-11-76, w/fees of \$13.60. Served Elgin, Joliet, et al., by serving L.F. Young in Pittsburgh, Pa., on 2-10-76 w/fees of \$3.00. v	
3-5-76	32.	Notice and motion of deft. Elgin, Joliet & Eastern RW Co. to quash service, filed. hm	
3-15	33	Memorandum of deft.Elgin, Joliet & Eastern Ry. Co. in support of mot. to quash service, filed. g	
3-15	MO:	Pltf. directed to file resp. brief within 10 days to mo/quash of deft. Elgin, Joliet & Eastern RW. Co. (HDC-J)hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-19-C Sheet 2, Page 4 PAGE XXXX OF XXXX PAGES
Vernard W. HULSEY		Atchison, Topeka & Santa Fe RR Co., et al.	
DATE, '76	NR.	PROCEEDINGS	
3-26	34.	Memo. in response to Deft. Elgin, Joliet & Eastern Railway Co.'s Mot. to Quash Service, filed. v	
4-12	35.	Interrog. propounded by the Deft, the Atchison, Topeka & Santa RW.Co to the Deft., St. Louis-San Francisco Railway Co., filed. t	
5-4	36.	Ans. of deft. St. Louis-San Francisco Railway Co. to interrogs. of deft. The AT & Santa Fe Railway Co., filed. ph	
5-25	37.	Order, filed and entered that the motion to quash of the EJ&E is sustained and the EJ&E is hereby dismissed. (HDC-J)ph cps mld	
6-8	MO:	Case set for PT hearing 8-17-76 at 9:30 a.m. (HDC-J)hm	
6-8	38.	Motion of def., AT&SF, for Summary Judgment, with affidavit of R. F. Kelly, filed. rm	
6-8	39.	Brief of def., AT&SF, in support of mo/SJ, filed. rm	
6-8	MO:	Ordered by the Ct. that pltf. is granted 10 days to respond to def. AT&SF mo/SJ. (HDC-J)rm-letter	
6-8	40.	Pltf's DEMAND FOR JURY TRIAL, filed. ph	
6-10	41.	Brief of deft. St. Louis-SF Railway Co., in resp. to motion for S/J of deft., the Atchison, Topeka and SF Railway Co., filed. ph	
7-30	42.	Pltf's DEMAND FOR JURY TRIAL, filed. ph	
8-3	43.	Order, filed and entered that motion for S/J of deft. AT and SF Railway Co. is sustained. (HDC-J)ph cps mld	
8-16	44.	Pltf's applic. to strike from the PT setting, filed. hm	
8-16	MO:	Case stricken from PT setting of 8-17 at req. of pltf. & no obj. from defts. (HDC-J)hm	
8-24	MO:	Case set for PT hearing 9-30-76 at 9:00 a.m.. (HDC-J)hm	
9-30	MO:	Case called for PT hearing. Statements made. Parties given until 11-15 to file all necessary pleadings, including any motions for S/J. Pltf. given 10 days to respond to defts' motions for S/J if filed. Parties to notify Court if further PT hearing is desired. Pltf to file PT order by 12-1-76 & case set for jury trial 1-10-77 at 9:30 a.m. (HDC-J)hm	
10-18	--	Depositions of James E. Ball and Gilbert Camacho taken on 10-5-76 in County of Cook, State of Illinois. (K.R. Kozlowski-CSR)ph	
11-1	45.	Order, filed, granting deft. St. Louis-San Francisco Railway until 12-1-76 to file its motion for S/J. (HDC-J)ph cps mld	
11-15	46.	Abstract of deposition testimony relied upon by deft. St. Louis-San Francisco Railway Co. in its motion for S/J, filed.s	
11-15	47.	Affidavit of G. E. Patrick, filed.s	
11-15	48.	Affidavit of J. R. Wilson, filed.s	
11-15	49.	Motion for summary judgment of deft. St. Louis-San Francisco Railway Company, filed.s	
11-15	50.	Brief in support of motion for summary judgment of deft. St. Louis-San Francisco Railway Co., filed.s	
11-15	MO	It is ordered by the Court that the Plaintiff file a responsive brief within 10 days to the defendant's mot. for S/J.s (HDC-J) cps. mld.	

PLAINTIFF	DEFENDANT	DOCKET NO. _____
Vernard W. Hulsey	St. Louis-San Francisco Railway Co., et. al.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1976		
11-24	51	Pltf's application for ext. of time to file responsive brief to deft's mot. for S/J, filed.s O to J
11-30	52.	Order, filed, granting Plaintiff an additional 10 days from 11/24/76 to file his responsive brief. (HDC-J) nb cps mld
12-6	53.	Pltf's brief in oppos. to motion for S/J of deft. St. Louis-San Francisco Railway Co., filed. ph
12-7	54.	Pltf's appl. for ext. of time to file PT order, filed. ph <i>oto J</i>
12-13	55.	Order, filed, granting pltf. to 12/15/76 to file PT order. (HDC-J)rm cpy
<i>12-15</i>		<i>Pltf's</i>
12-15	56.	Motion for S/J of Inland Steel Co., filed. ph
12-15	57.	Brief in support of deft. Inland Steel Co's motion for S/J, filed. ph
12-15	MO:	It is ordered that the pltf. file a resp. brief within 10 days to the Motion for S/J of Inland Steel Co. (HDC-J)ph cps mld
12-21	58.	Pretrial Order, filed. (HDC-J)v
12-27	59.	Pltf's brief in oppos. to motion for S/J of deft. Inland Steel Co., filed. ph
<u>1977</u>		
1-5	60.	Deft. Inland Steel Co's Trial brief, filed. ph
1-5	61.	Proposed Voir Dire of pltf. Vernard Hulsey, filed. ph
1-6	62.	Order, filed, overruling Inland Steel Co's motion for S/J. (HDC-J)ph cps mld
1-7	63.	Brief of pltf., filed. ph
1-10	MO:	Case stricken from jury trial of this date due to weather conditions, but jury to be selected 1-12-77 at 9:30 a.m. Pltf. waives notice to take depos. & deft. granted leave to take further depos. Case to be set at heal of this jury docket. (HDC-J)hm
1-10	64.	Order, filed and entered, that motion of deft. St. Louis-San Francisco RW. Co. for S/J is sustained & pltf's cause of action against said deft. is dismissed. (HDC-J)hm (copies mailed)
1-10	65.	Order, filed, that Inland Steel be permitted to proceed w/deposition of witness, that a cc of this order be filed w/Clerk of Kansas and subpoena duces tecum be forthwith issued. (HDC-J)ph cps mld
1-12	MO:	Case called for selection of jury. Parties represented. Jury empaneled, admonished, but not sworn. Trial to commence at 9:00 a.m. 1-14-77. (HDC-J)hm
1-14	--	Subpoena, ret & filed: Served Bill Patton on 1-14-77 at Federal Courthouse. ph (\$10.00 fee)
1-17	MO:	Case tried to a jury Jan. 14 & 17. Jury sworn & admonished. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses & introduction of exhibits. Pltf. rests. Deft's mo/dismissal denied. Deft. presents case in chief w/test. of witnesses & introduction of exhibits. Deft. rests. Pltf. presents rebuttal evid. w/test. of witness & rests. Parties rest. Pltf. given permission to withdraw x-rays at conclusion of trial. Closing arguments made. Instructions given to the Jury. Jury retires DC-111A (Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-19-C</u>
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
		to deliberate at 3:32 P.M. on 1-17-77. Two alternates excused. (4:35 P.M. Jury in box. Court reads note from foreman requesting certain affidavit. Jury returns to deliberate at 4:38 P.M.) Jury returns with verdict finding in favor of pltf. in amt. of \$300,000.00 at 5:35 P.M. Verdict ordered received, read & filed in open Court. Jury excused. Deft's oral motion to set aside verdict overruled. Deft. to prepare written motion. (5:37 p.m. Court adjourned.) (HDC-J)hm	
1-17-77	66.	Instructions to the jury, filed in open court. (HDC-J)hm	
1-17	67.	Note from the jury foreman, filed in open court. hm	
1-17	68.	Jury verdict, filed in open court, finding for the pltf. in the amt. of \$300,000.00. hm	
1-17		Trial exhibits, filed. (with file)hm	
1-17	69.	Judgment on jury verdict, filed and entered, that pltf. recover from deft. the amt. of \$300,000.00 & that pltf. be awarded its costs of action. (JCS-Clk)hm (copies mailed)	
1-21	70.	Motion to amend journal entry of judgment, filed. by pltf- ph	
1-21	71.	Memo. brief in support of pltf's motion to amend journal entry of judgment, filed. ph	
1-21	MO:	It is ordered by the Court that the deft. file a resp. brief within 10 days to the pltf's Motion to Amend Journal Entry of Judgment. (HDC-J)ph cps mld	
1-21	72.	Bill of Costs, filed., setting tax hearing for 2-2-77 at 10:00 a.m. (JCS-CC)ph	
1-26	73.	Motion of def. for judgment notwithstanding verdict and motion for new trial, filed. rm	
1-26	74.	Brief in support of Mo/NOV and new trial, filed. rm	
1-26	MO:	Ordered by the Court that pltf. is granted 10 days in which to respond to def.'s motion notwithstanding the verdict and motion for new trial. (HDC-J)rm-letter	
2-4	75.	Pltf's brief in oppos. to deft's motion for new trial, filed. ph	
2-10	76.	Deft's resp. to pltf's motion to amend journal entry of judgment, filed. ph (In letter form.)	
2-24	77.	Journal entry of judgment, filed and entered, amending judg. on jury verdict, that pltf. recover judg. from def. in amt. of \$300,000, plus prejudg. int. at 6% from 11/21/75 until 1/17/77 in total amt. of \$21,150; that \$300,000judg. shall bear int. at 10% from 1/18/77 until pd. and pltf. awarded costs in amt. of \$1440.61.(HDC-J)rm-copies md.	
3-17	78.	Order, filed and entered, overruling defendant's mo/NOV and mo/new trial.(HDC-J)rm-copies mailed	
4-15	MO:	Ordered by the Court that upon applic. of the deft., & no obj. by the pltf., the supersedeas bond is hereby set in the amt. of \$350,000.00. (HDC-J)hm (parties notified by phone)	
4-15	79.	Notice of appeal by def. from/overruling mo/new trial entered on 3/17/77, filed. rm (copy to USCA)	
4-15	80.	Bond for cost on appeal (\$250 cash), filed. rm	
4-15	81.	Designation of record on appeal, filed. rm	
4-15	82.	Mo/def. for ext. of time to post supersedeas bond,filed.rm(0 to J)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-19</u>
VERNARD W. HULSEY		ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., et al	PAGE <u>7</u> OF <u>4</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u> 4-18	83.	Order, filed, that judgment be stayed pending the determination of deft's appeal, provided that deft. file by 5-5-77 a bond in sum of \$350,000, conditional for satisfaction of judgment, together w/costs, int. and damages for delay. (HDC-J)ph cps mld	
4-25	84.	Supersedeas Bond in amt. of \$350,000.00, filed; Fidelity & Deposit Co. of Maryland, surety. (HDC-J)k cps mld	
5-23		Letter from 10th Circuit, assigning case No. 77-1357. rm	
5-23		Reporter's transcript of jury trial, had on 1/12, 1/14, 1/17,77,filed. (2 volumes) (T. Bloxom-CR)	
5-24		Original record on appeal (4 vols) transmitted to USCA.rm	
5-31	85.	Release and satisfaction of judgment, filed. hm	
6-5	86.	Pltf's partial release and satisfaction of judgment, filed. ph	
6-9-78	87.	Mandate (Order) of 10th Circuit, filed and spread of record, dismissing appeal on motion of parties, rm	
6-9-78	---	Orig. appeal record (4 vols) received from USCA.rm	
<u>1982</u> 4-23	88	APPLICATION of Joseph M. Best for O disbursing cost bond.(O as part of app to J) jc	
4-26	--	ORDER that clerk disburse to Joe Best the sum of \$250.00 for appeal bond.(HDC-J)a	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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